

REMARKS

Claims 1-18 are pending in the above application.

The Office Action dated June 14, 2006, has been received and carefully reviewed. In that Office Action, claims 1-6 and 11-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata in view of Udom, and claims 7-10, 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata in view of Udom and further in view of Daudelin. It is not believed that the references of record show or suggest the inventions required by claims 1-18, and reconsideration and allowance of claims 1-18 is respectfully requested in view of the following remarks.

REQUEST FOR NEW OFFICE ACTION

Section 707.07(f) of the MPEP provides:

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application. Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it (emphasis added).

The rejection of claim 1 in the present Office Action is substantially identical to the rejection of claim 1 in the January 12, 2006, Office Action. In response to that rejection, Applicant argued that the motivation relied upon by the examiner for modifying Kohinata based on Udom was not supported by the record. Specifically, Applicant argued that Kohinata does not send authentication results to a base station and that therefore there is no need to control "resource access grants" as stated in the Office Action. In other words, Kohinata prevents unauthorized users from accessing a network and thus there are no resource access grants to control. The June 14, 2006, Office Action includes form paragraphs and what appear to be two new alleged motivations for modifying Kohinata based on Udom, but the above argument regarding lack of motivation to modify Kohinata is not addressed. Instead, the "motivation" from the first Office Action is repeated almost verbatim in the current Office Action.

It is respectfully requested that the examiner respond to this traversal in a further Office Action so that Applicant can better understand the reason for the present rejection and determine whether claim amendments are needed or whether the application is ready for appeal.

Alternately, if the examiner wishes to rely on the new motivations asserted in the "Response to Arguments" section of the Office Action instead of the above-referenced motivation, it is respectfully submitted that this would constitute a new ground of rejection. Because claim 1 has not been amended, such a rejection should properly be made in a further non-final Office Action. The issuance of a new Office Action in which Applicant's arguments are addressed as required by the MPEP or the issuance of a new Office Action based on the new alleged motivation for modifying Kohinata is respectfully requested.

SPECIFIC REJECTIONS

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata in view of Udom. As argued in the previous Reply, a proper motivation for modifying Kohinata in view of Udom has not been provided and therefore a *prima facie* case of obviousness has not been presented. Like the January 12, 2006, Office Action, the present Office Action indicates that the proposed modification would have been obvious "in order to control resource access grants by disabling the ability of certain devices from being used to gain access." However, Kohinata already includes this feature. Kohinata's cell phone cannot be used unless a user is first authenticated; unauthorized users cannot access a network. Therefore, without the benefit of the present disclosure, one viewing Kohinata would have no reason to make Kohinata send authentication results to a base station as required by claim 1 merely because Udom might do this for different reasons in a different system.

The Office Action also presents what appear to be two new "motivations" for modifying the references of record. The first is the statement that "the sending of authentication results ... can result to many advantages which are obvious in the knowledge generally available to one of ordinary skill in the art." Stating that advantages may occur if the combination is made does not constitute a motivation for making the combination. If this statement is intended to show a motivation for modifying Kohinata in view of Udom, it is respectfully traversed.

The second new motivation provided in the Office Action is a service provider can track the number of times an authentication failure occurs. The Office Action indicates that this motivation can be found in paragraph 0020 of Udom; however, Applicant does not find support for this statement in paragraph 0020 or anywhere else in Udom. It might be possible to obtain such information from Udom, but Udom does not describe or suggest doing so. The Office Action next refers to allocation of resources by a base station. Udom discusses access to secure resources such as a bank account, but does not appear to discuss the allocation of resources as stated in the Office Action. Paragraph 0020 of Udom on which the above statement appears to be based, indicates that certain devices 102 can be disabled. This does not suggest any change to Kohinata or show why one skilled in the art would be motivated to modify Kohinata.

In view of the above, it is respectfully submitted that the original reason for modifying Kohinata and the one or two new reasons for modifying Kohinata in view of Udom do not are not proper motivations as are required to support a *prima facie* case of obviousness under 35 U.S.C. 103(a). For at least these reasons, reconsideration and allowance of claim 1 is respectfully requested.

Claims 2-10 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Independent claim 11 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata in view of Udom. This rejection is respectfully traversed for at least the same reasons as claim 1, namely, that a proper motivation for combining Kohinata and Udom has not been provided and that therefore a *prima facie* case of obviousness has not been presented.

Claims 12-18 depend from claim 11 and are submitted to be allowable for at least the same reasons as claim 11.

Claim 7 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata and Udom and further in view of Daudelin. Claim 7 depends from claim 1. Daudelin does not address the shortcomings of Kohinata and Udom discussed above in connection with claim 1. Claim 7 is therefore submitted to be allowable for at least the same reasons as claim 1.

In addition, it is respectfully submitted that claim 7 includes limitations that are not present in the references of record and that are not addressed in the present Office Action.

Therefore, even if a motivation for combining Kohinata and Udom and Daudelin were provided, the result would not be the invention required by claim 1. Specifically, claim 7 requires a mobile terminal system that includes, *inter alia*, a base station that includes an owner information storing section which stores owner information including a wire phone number of an owner of a mobile terminal and an owner addressed authentication result informing section which, upon reception of a personal authentication failure result from the mobile terminal, transmits the personal authentication failure result to the owner. The Office Action acknowledges that Kohinata and Udom do not disclose a base station storing owner information. Daudelin does not disclose the storage of a wire phone number of an owner of a mobile terminal. Daudelin also does not disclose notifying an owner of a mobile terminal of personal authentication failure results. Therefore, even if these references could properly be combined, the result would not be the invention required by claim 7. Claim 7 is submitted to further distinguish over the references of record for this reason.

Claims 8-10 depend from claim 7 and are submitted to be allowable for at least the same reasons as claim 7.

Claim 17 is directed to the method of claim 11 and the additional steps of storing owner information including a name and a wire phone number of an owner of the mobile terminal in a base station and transmitting a personal authentication failure result to an owner. Claim 17 is therefore submitted to be allowable over the art of record for at least the reasons provided above in connection with claims 11 and 7.

CONCLUSION

Each issue raised in the Office Action dated June 14, 2006, has been addressed, and it is believed that claims 1-18 are in condition for allowance. Wherefore, reconsideration and allowance of claims 1-18 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

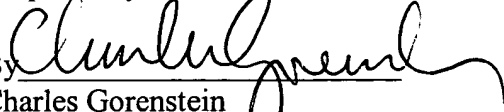
Application No. 10/808,332
Amendment dated August 8, 2006
After Final Office Action of June 14, 2006

Docket No.: 0397-0477PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: August 8, 2006

Respectfully submitted,

By 

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